

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

<p>-----X</p> <p>JOHN CARELLO,</p> <p>Plaintiff,</p> <p>-against-</p> <p>THE CITY OF NEW ROCHELLE, THE NEW ROCHELLE POLICE DEPARTMENT, P.O. GEORGE ROSENBERGEN, AND P.O. JOHN/JANE DOES,</p> <p>Defendants.</p> <p>-----X</p>	<p>Index No.: 07/Civ. 2914</p> <p>PLAINTIFF'S STATEMENT OF UNDISPUTED FACTS PURSUANT TO LOCAL RULE 56.1</p>
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Plaintiff John Carello (“Mr. Carello”) submits the following statement of material facts (“Statement”) pursuant to Rule 56.1 of the Local Rules of the United States District Court for the Southern District of New York. This Statement is submitted in opposition to defendants’ motion for summary judgment on the grounds of qualified immunity. This Statement includes numbered paragraphs corresponding to each numbered paragraph in the movant-defendants’ Rule 56.1 statement. Where plaintiff does not controvert defendants’ statement, plaintiff shall respond “uncontroverted” for the sake of judicial economy.

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23. Carello told defendant Rosenbergen he wanted to see a supervisor. Defendant

Rosenbergen responded that Carello would be waiting a long time. Carello advised defendant Rosenbergen that he would wait. See Carello Deposition at 52:4-22.

24. Uncontroverted.

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52. Uncontroverted.

Dated: December 18, 2007
White Plains, New York

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